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FOREIGN SERVICE DESPATCH

78

DESP. NO.

FROM : Amembassy KABUL

TO : THE DEPARTMENT OF STATE, WASHINGTON.

September 10, 1959

REF : Tehran's Airgram G-1 (G-14 to Dept) August 13, 1959. Deptal 129
 rptd info Tehran 600, August 29, 1959. Embtel 180 (rptd info, Tehran
 16, August 31, 1959) *Tehran - 1 Mehel - 1 Kabul - 3*

For Dept. Use Only	ACTION	DEPT.
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SUBJECT: Helmand Waters Dispute

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There are enclosed memoranda of two conversations summarized as follows:

1. A conversation at the Iranian Embassy on September 1, 1959, with Senator and General JAHANBANI, Special Ambassador of the Shah of Iran; Iranian Ambassador SHAYESTEH; Iranian Counselor MOQTADERI; and the Chief Irrigation Engineer of Iranian Seistan, speaking on the Iranian side; and Political Counselor Rossow and Frederick W. Clayton, Chief, Transportation and Industry Division, USOM/A, representing this Embassy and USOM/A.

The Iranians expressed their grave concern over the future water supply for Iranian Seistan, and asserted the reasonableness of their position in contrast to the inflexibility of the Afghan. They said they wanted to concrete the bed of the Periyen channel and to build a diversion dam on it that would irrigate to both sides of the border, to solve the problem of flooding and at the same time assure adequate irrigation water for both sides. They said they had learned that the Afghans instead propose to build a dam at Kamal Khan, 72 km. upstream from the point where the Helmand meets the frontier, which would divert the water into Afghan Chakhansur only, and which would enable them to deny water to the Iranians completely. They said Soviet engineers had been in the Chakhansur this past spring and summer, and they speculate the Soviets have already completed preliminary surveys of the project. They fear the Afghans expect the US to turn down their request for assistance on this lower Helmand project, and will then turn to the Soviets for aid. They urge the US not to turn the Afghans down, but rather to help them fix a favorable guaranteed rate of water flow, and to help in the development of the area in a manner that will safeguard Iranian interests.

2. A conversation at the Foreign Ministry on September 5, 1959, with Mohammed Kabir LUDIN, Afghan Ambassador in London, and Nur Ahmed ETEMADI, Director General for Political Affairs in the Foreign Ministry, speaking for Afghanistan, and Political Counselor Rossow representing this Embassy.

The conversation consisted of a lengthy review by Ambassador Ludin of the history/

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the history of negotiations since 1950 from the Afghan point of view. Following the breakdown of technical discussions in Washington in 1955, the Iranians shifted in 1958 to a brotherly love approach, which was pursued by Iranian Special Ambassador MAHSUD-ANSARI in the Fall of that year. To this the Afghans replied in March 1959 with an offer, based solely on brotherly love and without prejudice to the Afghan position that the Neutral Commission was the sole legal basis for a claim, of an additional 4 cubic meters of flow (making a total of 26 cubic meters) and a promise to give Iran also any return and excess flow that might be available. The Iranians rejected this and countered with a proposal for a team of observers to watch water consumption in Seistan for five years with a view to fixing the flow rate on the basis of their observations. The Afghans firmly reject this as being an invitation to the Afghan irrigator to wastefulness, and as involving a shift in the basis of negotiations back from brotherly love to technicalities, which they hold should only be raised by reopening the 1955 discussions in Washington. When the Iranians proposed to send Jahanbani to carry the negotiations forward, the Afghans said they would discuss the matter on the basis of the King's offer of March. Ludin said the Iranians accepted this in writing. Instead, however, Jahanbani, after a week or so of diplomatic shadow-boxing, wrote that either the gap between the Iranian and Afghan positions on flow figures had to be closed, or the proposal for a team of observers must be accepted. This annoyed the Afghans who replied that the Iranians had shifted the basis of discussions agreed upon, and that in view of their attitude they withdrew the King's March offer, and reverted to their stand on the Neutral Commission report. Ludin said the Afghans have attempted to be generous and reasonable, but since the Iranians have attempted to use their generosity as a basis for inflating their demands, the Afghans are compelled to take a more cautious position to protect their own rights. The Afghans blame the Iranian dam on the Seistan channel for causing deleterious flooding in the Chakhansur, and describe the dam on the Periyar proposed by the Iranians as one that will enable them to divert low-water flow to Iran and high-water flow into Afghanistan. Ludin said that the Afghans had to proceed urgently to develop the lower Helmand, and that appropriate Afghan officials would be presenting us with the details of their proposals in the near future.

The Embassy will withhold its comments and recommendations pending receipt of details of the Afghan proposals.

For the Ambassador:

Enclosures:

Two memoranda of conversation.

Dept. please pass:

Robert Rossow, Jr.
 Counselor for Political Affairs

Tehran, Meshed and 3 copies Kabul. cc: Tehran

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MEMORANDUM OF CONVERSATION

Participants: Senator and General Jahanbani, Special Ambassador of the Shah of Iran.
 Iranian Ambassador Shayesteh
 Mr. Madevan (spelling phonetic), Chief Irrigation Engineer of Iranian Seistan.
 Dr. Moqtaderi, Counselor, Iranian Embassy.
 Robert Rossow, Jr., Political Counselor, American Embassy.
 Frederick W. Clayton, Chief, Transportation and Industry Division, USOM/A.

Time and Place: Iranian Embassy, Kabul; 9 a.m., September 1, 1959.

Ambassador Shayesteh opened the conversation by explaining that he had asked Ambassador Byroade to arrange this meeting so that the Iranians present could learn more of the plans for and operations in the Helmand Valley, and so that they could pass on to us what they knew about Afghan plans there.

At Ambassador Shayesteh's request, Mr. Clayton then spoke in very broad and general terms of the conception of the development of the Helmand. Among the points that came out in discussion were: (1) that the dams at Kajakai and Arghandab in the upper Helmand do not give the Afghans full control of the flow in the lower Helmand; (2) that the amount of flow in the lower Helmand will depend primarily on the efficiency of water use in upstream irrigation, and that it requires decades even in America to train farmers to use water efficiently; (3) that flooding and the high water table in Seistan and Chakhansur are as serious problems as drought; (4) that the main reason for the low flow on the Iranian side of the border was siltage and duning in the Periyen channel; and (5) that it was a fallacy to calculate that downstream flow could be determined merely by deducting irrigation take-off from the upstream flow, for there was a back-flow from the irrigation works and further downstream inflow to be brought in to account.

The Iranians then began a general discussion of conditions in Seistan and the lower Helmand. They expressed grave fear that this area, which had once been a breadbasket of Iran, would soon turn into desert if its water supply were curtailed. They said that even now (with a flow this year of 81 cubic meters) they were having difficulty supporting the 500,000 inhabitants of the area, and that many had been driven to emigration. They insisted they did not want to interfere with or hamper Afghan development of the Helmand, and had done everything possible to relieve themselves of dependence on the waters of the Helmand, including the engagement of a firm of Italian engineers - Italconsult - who were studying the water problem and also exploring the possibilities for deep well irrigation in the area.

The Iranians/

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The Iranians insisted they had maintained an attitude throughout of the utmost reasonableness, that they were prepared to accept any reasonable flow figures, but that they could not permit themselves to be cut off without water. In contrast, Shayesteh said, Naim had boasted that the Afghans could cut Iran off without a drop if they chose. Their attitude had been so intransigent and inflexible that Jahanbani's negotiations had gotten absolutely nowhere.

Madevan then sketched a map of the lower Helmand, showing how the river branches when it reaches the frontier into two main channels - the Seistan, which goes directly into Seistan at that point, and the Periyar, which forms the frontier for several miles before curving westward to fill the lakes and marshes of Seistan. The Iranians some years ago built a diversion dam on the Seistan channel. The Afghans claim that this dam backs the water up, causes flooding and raises the water table in Afghan Chakhansur, and damages the Periyar channel. The Iranians claim this is not so, or would not be if the Afghans would go along with the Iranian proposal to concrete the bed of the Periyar channel for a distance, and collaborate in the construction of a diversion dam on the Periyar which would permit its waters to be used to both flanks to irrigate both Afghan Chakhansur and Iranian Seistan. Madevan said he had learned from sources in the area that the Afghans plan instead the construction of a diversion dam at Kamal Khan, 72 kilometers upstream from the point where the river branches at the border. This would be used to divert Helmand water northward to irrigate Afghan Chakhansur from that point, and southward to fill up the Gaud-i-Zirreh, a lake in extreme southern Chakhansur, which heretofore has been filled only by overflow from the lakes in Seistan flowing back into Afghanistan. This, they said, would enable the Afghans to cut Seistan off without a drop of water and to dry it up into desert.

Madevan stated he had personally observed several Soviet engineers this spring examining the Periyar channel, and had been told by local people that they had spent some time in the Chakhansur this spring and early summer. From this the Iranians conclude that the Soviets have already made preliminary surveys of the project. They further speculate that the Afghan approach to the US for assistance is being made with full expectation we will refuse, and that this will give them the excuse to turn to the Soviets for aid.

After an exchange in Persian with Jahanbani, who spoke only through the interpretation of Shayesteh or Moqtaderi, Shayesteh expressed the gravest concern over the possibility that the Soviets should become involved in the Chakhansur, and said, "You must not turn the Afghans down." Instead, he urged that we engage ourselves to support a constructive and favorable development program in the lower Helmand that would safeguard Iranian interests, and that we undertake to get the Afghans to make a more favorable agreement on Helmand waters division.

The conversation concluded with the presentation of a list of points on which Madevan said the Iranians would appreciate information. These points were: area of drainage of the Helmand; water flow above Kajakai and Arghanbad; water flow below Kajakai; water flow at Charbaja; hydrographs; storage capacity of Kajakai and Arghanbad; results of hydrographic studies at Charbaja; capacity

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Boghra, Shamalu, Darweshan, Seraj, and South Canals; cultivating area and future plans for Nadeli, Marja, Darweshan, and Tarnak; precipitation statistics; and map of area. Comment: All this information is contained in the Tador Report, several copies of which have long been in Afghan hands. Consideration might be given to supplying the Iranians with copies of this report.

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From Kabul**MEMORANDUM OF CONVERSATION**

Participants: Afghan Ambassador to London, Monammed Kabir LUDIN,
Director General for Political Affairs, Afghan Foreign
Ministry, Nur Ahmed ETEMADI,
Robert Rossow, Jr. Political Counselor, American Embassy.

Time and Place: Royal Afghan Ministry of Foreign Affairs, Kabul;
3:30 p.m., September 5, 1959.

In his conversation of August 28 with Ambassador Byroade (Embtel 180 to Dept, 16 to Tehran), Foreign Minister NAIM suggested that the Ambassador have someone see Etemadi to get the details of recent negotiations, so that he could know of the "dishonest diplomacy" being attempted by Iran. This conversation was arranged pursuant to that suggestion. Etemadi stated that he had taken advantage of the fact that Ambassador Ludin was in Kabul for Jeshn to include him in the conversation, in view of his knowledge of the background of the Helmand water problem. (It is apparent that Ludin was brought to Kabul specifically for the Jahanbani talks, and that he is the leading Afghan negotiator and authority on the problem. He returned to London on September 6.) Ludin did almost all the talking.

Ludin began by referring to the Neutral Commission Report of 1950, and to the diplomatic note from the United States at the time commending the favorable attention of both Iran and Afghanistan to the Report, and urging a settlement of the dispute on the basis of the findings of the Commission. He said Afghanistan had replied promptly to the American note, expressing its concurrence and its willingness for a prompt settlement on the basis of the Report. He said it took Iran three years to reply to the American note (though he conceded Iran was having internal political difficulties at the time), and that its reply was completely negative.

Ludin then said that at Iranian request discussions began in 1955 in Washington on technical aspects of the Report, with himself and Naim representing Afghanistan. In these discussions he said it took three months to get the Iranians to agree on three points - (1) the area under cultivation in Iranian Seistan, 140 million acres (he pointed out that 22 cubic meters of flow as recommended by the Report affords 154 million acre feet of irrigation); (2) the distribution as between Fall and Spring crops; and (3) the amount of water per acre for each type of crop sown. It took three months to get this agreement from the Iranians, despite the fact that the figures used by the Commission were those supplied by Iran itself. Though they did finally get agreement on these points, negotiations finally broke down over the fourth point, the question of the amount of water to be allowed for wastefulness and inefficiency of the Iranian irrigator. He said the Iranians wanted up to a 90% allowance for this. He said the Iranians were in a weak position on this

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point and got themselves out on a limb. He said their own negotiators fell out among themselves, the engineers blaming the lawyers, and the lawyers blaming the Ambassadors. In consequence the discussions came to an end without result.

The next development came in early 1958 when, through Ambassador Snayesteh, the Iranians indicated a desire for a resumption of negotiations. Ludin said the Afghans agreed to this, and in fact promptly designated a negotiating team to proceed to Washington, led by himself and including Etemadi. (Etemadi here interjected that the Iranians had thought they would be able to negotiate with Maiwandwal, but that when they learned they would have to deal with Ludin, they changed their tactics; to this Ludin preened coyly.)

At any rate, the Iranians replied to this notice of designation of a negotiating team, that they did not want to resume the technical negotiations in Washington, that instead they wanted to approach the matter on a basis of brotherly love and common culture and in this spirit find a basis for agreement; they said that the Shah was sending Mahsud-Ansari to represent him at the 1958 Jeshn, and that he would have full powers to come to such an agreement.

Ludin said that Mahsud-Ansari arrived with a letter from the Shah to the King containing an "offer" on a guaranteed flow figure, that to the Afghans was ridiculous in that it was about twice what the Neutral Commission had recommended. (The previous Iranian flow demand had been 52.6, Ludin commenting sarcastically that the Iranians had given authenticity to their request by adding the decimal figure.)

Ludin said that in his discussions with Naim at that time about the Iranian "offer", Naim had throughout, in a spirit of fairness, taken the Iranian point of view, with Ludin defending the Afghan, and that at times their discussions had verged on acrimony. In the end Naim, still in a mood of eminent fairness, told Mahsud-Ansari that he personally would bear the Afghan reply to Tehran. (Naim had then planned to tour Red China in the Fall of 1958, then proceed to the US for treatment of a hearing defect, then go to London where he would consult further with Ludin, and then stop in Tehran with the Afghan reply on his return to Kabul. As a result of the coups in Pakistan in October, the trip was postponed. He finally left on the Red China and US visit on August 31, 1959.)

Instead, in March 1959, Ludin was called back from London, and designated Special Ambassador to carry the reply from the King to the Shah in Tehran. In this reply the King stated that the Afghan position was and would remain based on the Neutral Commission Report, but that without prejudice to that position and without implying any recognition of right to an increased flow, the King, out of feelings of friendship and brotherly love, was prepared to give Iran an additional 4 cubic meters of flow (a 20% increase over the Neutral Commission's 22 cubic meter figure, permitting an additional 100 million acre feet of irrigation, according to Ludin, which compares with a total of 65 million acre feet total allowed by the US to Mexico out of the Rio Grande), and also to give Iran in addition any return flow that might later be available.

This offer/

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This offer was communicated personally to the Shah at Ludin's first session with him. The Shah and his advisers studied it for a few days, and then scheduled a second session. Here the Shah said that he could not accept the offer of the King, and instead proposed that, since there seemed to be disagreement over the amount of water needed in Seistan, a five-man team of observers be appointed consisting of two Iranians, two Afghans and one neutral, to observe and measure the actual water consumption in Seistan over a five-year period, on the basis of which observations the flow figure would be determined.

Ludin said that this was not acceptable. He said the King had made his offer in the terms in which the Iranians had said they wanted to negotiate - in the spirit of friendship and brotherly love; if the Iranians wanted to raise again technical questions, then they were prepared to resume the Washington discussions, but to raise technical questions here was to confound the basis on which the present offer was made. He went on to explain to the Shah why the proposal for a team of observers was also unacceptable. He said he used a number of examples and analogies, in one of which he said, "Suppose Your Majesty designated me your Ambassador to some world capital, and suppose you told me that for five years I could spend as much as I wanted on expenses - cars, entertaining, residence, etc. etc., and that at the end of that time you would take an average of my expenditures over those five years and that would be the level of my budget thereafter." In short, it was an invitation to the Iranian irrigators to wastefulness.

Ludin returned to Kabul and to London. Then about three or four months ago, the Iranian Charge Mottaderi said that they wished to continue the negotiations in the spirit of friendship and brotherly love, and that the Shah was sending Senator and General Jahanbani to represent him at this year's Jashn, and that he too would come empowered to continue the negotiations further. The Afghans replied that they were prepared to receive him, but would discuss the Helmand issue only on the basis of the King's March message to the Shah, that if there were any technical matters to be discussed they should resume the Washington discussions. The Iranians, according to Ludin, said in writing that they understood and accepted this.

Jahanbani arrived in Kabul on August 20, having been delayed two days in Kandahar with plane trouble. The afternoon of his arrival day he paid a fifteen minute courtesy call on Naim at which no mention was made of the Helmand water problem. The next day at a lunch given him by Naim in Paghman he raised the question in brief and general terms with Naim, who merely reiterated the position set forth in the King's letter to the Shah, which Ludin said had been agreed would be the basis of discussion. (He said the Afghans were quite prepared to work out the other details of a settlement if the Iranians had accepted the King's offer.) That evening at the party at the Iranian Embassy for Jahanbani, the latter drew Ludin aside and said he feared there was a great gap between the two positions. Ludin said he could not understand this since the basis for discussion had explicitly been agreed upon. A meeting between Jahanbani and Naim was scheduled for the following day (August 22) at 10 a.m. That morning Naim dislocated his shoulder, and the meeting was postponed till that afternoon, when the Iranian Embassy phoned that Jahanbani was ill with a temperature; it

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was later established that he had flu and was confined to bed for two days. He next appeared at the Opening of Jeshn on August 24. That night at the Prime Minister's Camp he told Naim that it appeared that the two positions were so far apart that it would be best if he give his position in writing.

Toward the end of the week of Jeshn a letter was received from Jahanbani saying that either they had to come closer together on a guaranteed flow figure, or the team of observers proposed by the Shah must be agreed to.

To this the Afghan replied, apparently with some annoyance, referring to the exchange of correspondence preceding Jahanbani's visit, wherein they allegedly accepted the King's letter to the Shah as the basis for any discussions in Kabul, and charging the Iranians with attempting to shift the basis of negotiations. The Afghan note said that in view of the Iranian attitude the Afghan position reverted to that held prior to the King's offer in March, which was that of the Neutral Commission recommendations. They went on to say that if the Iranians wished to discuss technical matters further, the Afghans were prepared to meet them again in Washington.

On this note the Jahanbani mission ended and he returned to Tehran on September 2.

Ludin then referred to present conditions in the lower Helmand, saying that the Iranian dam in the Seistan channel was causing damaging flooding in Afghan Chakhansur, and that something had to be done urgently to remedy this. He said that the Iranians wanted to build a diversion dam in the Periyen channel which would enable them to divert the low-water flow into Iran and the high-water flow into Afghan Chakhansur; he said obviously the Afghans would never tolerate this. He said that whatever was done would have to be farther upstream where the flow could be controlled and put to constructive use. He said the Afghans were prepared to do this, with our help, and that it would be in the best interest of the Iranians themselves. To an inquiry if he could give me any further details on Afghan proposals along these lines, Etemadireplied that the Prime Minister and others would be getting in touch with us on the detailed plans probably in a week or so.

The conversation closed with Ludin asserting that the Afghans had wanted throughout to be as generous and cooperative with the Iranians as they possibly could. He said they understood their need for water and had no intention whatever of curtailing the flow unreasonably. He pointed to the fact that over 80 cubic meters of flow was crossing the border at present due to the large releases from Kajakai. He said the Afghans were delighted to make this available to the Iranians, and had been quite prepared to make water available to them which was about legitimate Afghan needs, that they had no desire to take a "dog in the manger" attitude. If, however, the Iranians were going to use this generosity as a basis for claims for the future, the Afghans were driven to take a more cautious position in safeguarding their own rights, and would have to take urgent steps to curtail the flow. He concluded by restating that the Afghans had been prepared to negotiate on a basis of friendship and brotherly

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love, and that the King's offer had been made in that spirit. Since the Iranians had twisted the discussion into the form of making counterclaims based on alleged traditional rights, they were compelled to take a more cautious and conservative position. He reiterated, however, that Afghanistan is prepared to resume technical discussions in Washington at any time.

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